

**REMARKS**

Claims 1, 2, 4-9, 11-18, 20, 21, and 23-29 are pending in the present application. Claims 1, 4, 5, 8, 11, 17, 18, 20, and 21 have been amended. Claims 1, 4, 8, 18, 20, and 21 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following remarks.

***Allowable Subject Matter***

It is gratefully acknowledged that the Examiner has allowed claims 4 and 20, and considers the subject matter of claims 12-16 and 24-28 as being allowable if rewritten in independent form.

***Rejection Under 35 U.S.C. § 103***

**Oliver/Gordon**

Claims 1, 2, 6-9, 11, 18, 21, 23, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,455,840 to Oliver et al. (hereafter “Oliver”) in view of U.S. Patent No. 6,995,748 to Gordon et al. (hereafter “Gordon”). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicant respectfully submits that Oliver and Gordon fail to provide a teaching or suggestion of all of the features in the claimed invention.

**Independent Claims 1 and 18:**

As amended, independent claims 1 and 18 now recite:

*“calculating a predicted imager velocity based on the current imager velocity and the imager velocity determined during a prior activation rate adjustment cycle, and*

*selecting one of the at least three activation rates as the adjusted activation rate based on the predicted imager velocity”* (emphasis added).

The amended features are supported in the specification, e.g., at Fig. 9; paragraphs 37-38.

Applicants respectfully submit that neither Oliver nor Gordon teaches or suggests using a **previous imager velocity**, in combination with a current imager velocity, to calculate a parameter used for selecting the adjusted activation rate. Instead, the inventions of Oliver and Gordon only rely on the current velocity for adjusting the rate. Therefore, Oliver and Gordon, taken separately or in combination, fail to teach or suggest every claimed element of independent claims 1 and 18.

At least for the reasons set forth above, Applicants submit that independent claims 1 and 18 are in condition for allowance. Accordingly, claims 2, 6, and 7 are allowable at least by virtue of their dependency on claim 1.

**Independent Claims 8 and 21:**

As amended, independent claim 8 now recites a controller configured to:

*“determine whether an acceleration value based on the determined acceleration is below a threshold acceleration;*

*upon determining that the acceleration value is below the threshold acceleration,*

*suspend activation of the illumination source for a time  $\Delta t$  which is determined based on at least one of the imager velocity and the imager acceleration, and*

*estimate imager displacement relative to the surface at each of a plurality of times during  $\Delta t$ ”* (emphasis added).

Claim 21 recites similar features. These amended features are supported in the specification, e.g., at paragraph 40.

Applicants submit that neither Oliver nor Gordon suggests comparing the imager acceleration to a threshold in determining whether to suspend activation of the illumination source and estimate imager displacement during a period of time. Thus, Oliver and Gordon fail to teach or suggest every feature of independent claims 8 and 21.

At least for the reasons set forth above, Applicants respectfully submit that independent claims 8 and 21 are in condition for allowance. Accordingly, claims 9, 11, 23, and 29 are allowable at least by virtue of their dependency on claims 8 and 21.

**Applicants Request Withdrawal of Rejection:**

In view of the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the above § 103 rejection.

**Oliver/Gordon/Cambridge**

Claims 5 and 17 stand rejected under § 103(a) as being unpatentable over Oliver in view of Gordon, and further in view of U.S. Patent No. 5,162,781 to Cambridge (hereafter “Cambridge”). Applicants respectfully submit that Cambridge fails to remedy the deficiencies of Oliver and Gordon set forth above in connection with independent claims 1 and 8. In particular, the Examiner merely relies on Cambridge for alleged teachings of “*a memory having at least one user profile parameter stored thereon and a controller configured to vary different modes of a movement sensitive device based on the at least one user profile*” (Off. Act. at pg. 6, 1<sup>st</sup> para.). Since this does not remedy the deficiencies of Oliver/Gordon, Applicants submit that claims 5 and 17 are allowable at least by virtue of their dependency on independent claims 1 and 8. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

***Conclusion***

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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